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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

STANLEY BRADFORD CLARKE,
ANDREA VENTURI,

Plaintiffs,

vs.

CITY OF MADERA,

Defendant.

CASE NO. CV F 09-1301 LJO DLB

**ORDER ON REQUEST FOR LEAVE TO
AMEND AND ORDER VACATING
HEARING**

By notice filed on May 5, 2010, plaintiffs request leave to amend the Complaint. Leave to amend is freely granted under the Rule 15. Pursuant to Fed. R. Civ. P. 15, this Court “should freely give leave when just so requires.” No prior amendment has been filed, and plaintiffs may amend as a matter of course. Fed.R.Civ.P. 15(a)(1). There is no justification for delay in granting leave. Accordingly, plaintiffs will be granted an opportunity to amend.

The May 24, 2010 hearing on defendants’ motion to dismiss is VACATED and the motion is terminated.

Plaintiff shall have 20 days from the service of this order to file an amended complaint. Plaintiffs are admonished that failure to timely file an amended complaint may result in dismissal of this action.

IT IS SO ORDERED.

Dated: May 10, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE